

Applicants: A. Wesley Prais et al.
Application No.: 10/634,567
Filing Date: August 5, 2003
Docket No.: 102-523 DIV/CON/CIP II (P-5220P1)
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REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-10, 19-28, and 31-59 are in the application. Through this Amendment, claims 1 and 19 have been amended.

Claims 1-8 and 19-25 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Larson (U.S. Patent No. 4,020,837).

Larson is directed to a hollow piercing tip for vial stoppers. The tip includes a center bore 22. Three bevels, namely two beveled areas 26 and one beveled area 20, contiguously bound the center bore 22, as most clearly shown in Figs. 2 and 4. Beveled area 18 is also provided but removed from the center bore 22, as shown most clearly in Fig. 5.

Claims 1 and 19 are the two independent claims included in this rejection. Both claims 1 and 19 each refer to a syringe assembly which includes a needle cannula having "a primary bevel, a pair of tip bevels and a pair of middle bevels". In addition, the needle cannula includes a lumen with "said bevels contiguously bounding said lumen". With the claimed arrangement, at least five bevels are provided which contiguously bound the lumen. In contrast, the Larson structure provides only three bevels. The advantages of the five-bevel arrangement are set forth at, *inter alia*, para. [0033] of Applicants' specification, namely, where it states:

Although no significant difference was found in either pain or ease of penetration between three and five-beveled needles with intramuscular injections, there was a significant improvement in ease of penetration scores (assessed by nurses) with subcutaneous injections using the five-bevel needle design disclosed herein.

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It is respectfully submitted that claims 1 and 19, along with dependent claims 2-8 and 20-25, are patentable over Larson.

The Examiner rejected claims 9-10 and 26-27 under 35 U.S.C. §103(a) as being allegedly unpatentable over Larson in view of Hausser (U.S. Patent No. 5,385,555). The Examiner admitted that Larson does not disclose the claimed needle shields and relied on Hausser for allegedly overcoming this deficiency.

Claims 9-10 depend from claim 1, whereas claims 26-27 depend from claim 19. Hausser discloses only a single bevel needle, and there is no disclosure or suggestion of using a multi-bevel needle. Accordingly, Hausser does not overcome the deficiencies noted above of Larson.

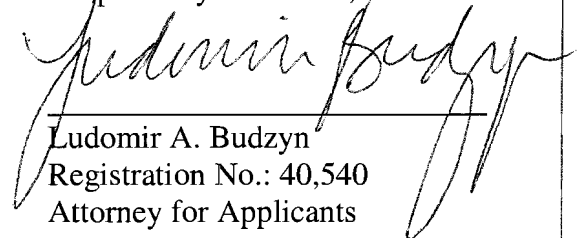
In addition, as set forth at col. 5, ll. 40-43, the safety shield in Hausser is disclosed as being formed generically from a "thermoplastic material". The rejected claims of the subject application are directed to a specific material, particularly a styrene block thermoplastic elastomer, which is not disclosed or suggested in Hausser. The advantages of this specific material are discussed extensively in Applicants' specification, such as at paras. [0033]-[0041]. Preservation of needle sharpness and improved sterilization are some of the obtained benefits of the claimed material and this material is not at all obvious from Hausser. It is respectfully submitted that claims 9-10 and 26-27 are patentable over Larson and Hausser, each taken alone or in combination.

Applicants are pleased to note the indication of allowability of claims 28, 29 and 31-59.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,



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